

EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

SAMANTHA ALARIO, HEATHER
DIROCCO, CARLY ANN GODDARD,
ALICE HELD, and DALE STOUT,

Plaintiffs,

v.

AUSTIN KNUDSEN, in his official
capacity as Attorney General of the State
of Montana,

Defendant.

Lead Case No.
9:23-cv-00056-DWM
CV 23-56-M-DWM

Member Case No.
CV 23-61-M-DWM

**DECLARATION OF HEATHER
DIROCCO IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

I, Heather DiRocco, declare as follows:

1. I make this declaration from personal knowledge.
2. I reside in Bozeman, Montana with my husband and three children.
3. I own and operate two local businesses. Prior to that, I served as a Sergeant in the United States Marine Corps for seven years.
4. I created a TikTok account in 2018 because my teenage children were using the app, and I wanted to ensure it was appropriate for them. From my experience using TikTok, I now consider it to be the safest social media app for my children to use, and we all use it together as a family.
5. I started creating videos on TikTok because I found the experience to be joyful and fun. I loved using my creativity to make interesting content and share my thoughts, ideas, and sense of humor with others.
6. Over time, the videos that I posted grew very popular, to the point that I now have over 200,000 followers and am one of the largest creators in Bozeman. I believe that my videos—which focus on my military experience, sense of humor, and hobbies—are relatable.
7. Because of the following I have grown, I now earn approximately 10-30% of my annual income from TikTok. I earn income partially through TikTok's Creator Fund (which pays creators based on factors such as their videos'

performance and views) as well as through brand deals. This income has been incredibly helpful to support myself and my family.

8. In addition to creating content on TikTok, I also enjoy using the app for other purposes. I have found TikTok to be a wonderful forum to connect with and motivate others, especially those going through a tough time. Because of my military background, I have connected with a substantial community of around 50,000 fellow veterans, with whom I have had inspiring conversations on important topics, such as mental health. I have also used TikTok to conduct campaigns for suicide awareness and prevention for veterans. In my experience, many TikTok users have found the app to be highly beneficial to their mental health and sense of community.

9. I also use TikTok to learn about current events. For example, when tornados hit the Midwest in April 2023, I found out first from TikTok and was able to quickly check in with family and friends in the area. Creators in that area then teamed up to help victims by distributing water, cleaning debris, and rescuing pets. This was not an isolated event—TikTok is often the first outlet where I learn about current events in real-time.

10. I also use TikTok to learn about a variety of topics, such as do-it-yourself projects for fixing my car, and to find positive and motivational content from other creators.

11. I have found much greater success as a creator on TikTok than on the other social media apps. For example, I have about ten times the number of followers on TikTok as I do on Instagram (over 200,000 followers on TikTok versus 23,500 on Instagram). I believe this success is due to TikTok's algorithm. It has a way of sharing my content with the right audiences who resonate with my message and engage with my community—much more so than the other apps. For example, the TikTok algorithm inspires users to explore new content, instead of only focusing on “following” people from their immediate social circles or famous celebrities.

12. If Montana's TikTok ban is allowed to take effect, I would lose access to this incredible community that I have built over the past five years, as well as the ability to speak to, engage with, and learn from that community. I would also be deprived of future financial earnings from my work as a creator.

13. As a U.S. Marine Corps veteran, I find it especially troubling that the state of Montana could so drastically infringe on the constitutional rights that I served to defend and protect. This ban would violate my and other Montanans' freedom of speech and deprive many creators and local businesses of both revenue and access to customers.

14. I urge the Court to stop the state from taking away the freedoms and rights of Montana's citizens.

I declare under penalty of perjury that the foregoing is true and correct.

Signed in Bozeman, Montana this 4th day of July, 2023.

A handwritten signature in black ink, appearing to read "Heather DiRocco", is written over a light gray rectangular background.

Heather DiRocco